

JUDGE PRESKA

07 CV 5842

FREEHILL HOGAN AND MAHAR, LLP
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James F. Simermeyer and James F. Simermeyer II,

Plaintiffs

07 Civ. _____

-against-

AeroSur USA,

Defendant

**DEFENDANT'S NOTICE
OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that defendant AeroSur USA, Inc., by counsel, upon the accompanying Memorandum of Law and the full record in this action, will move this Court, at a time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing plaintiffs' Verified Complaint for failure to state a claim upon which relief can be granted and for such other and further relief as the Court may deem just and proper.

Dated: June 20, 2007
New York, New York

Respectfully submitted,
FREEHILL HOGAN AND MAHAR, LLP
Attorneys for Defendant AeroSur USA, Inc.

By: _____

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